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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Gene Edward Scott, II,  
Plaintiff,  
v.  
Unknown Party,  
Defendant

No. CV-24-02539-PHX-DJH

## ORDER

Unknown Party,  
Defendant.

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Plaintiff has filed a  
“only 1% of airlines for pa  
2% of airlines are legally o  
seeks “to never be @ fault”  
not identify any defendants

“[A] complaint, containing both factual allegations and legal conclusions is frivolous where it lacks an arguable basis either in law or in fact.” *Nietzke v. Williams*, 490 U.S. 319, 325 (1989). “[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or wholly incredible, whether or not there are judicially recognized facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

Moreover, in light of Plaintiff's pattern of filing frivolous actions, *see, e.g., Scott v. Veterans Administration et al*, 2:23-cv-01151-DWL at Doc. 12 (discussing Plaintiff's pattern of filing frivolous cases, usually accompanied by IFP applications, each a

1 different account of Plaintiff's finances, even when filed in the same month, and then  
2 voluntarily dismissing them), it is clear that leave to amend would be futile.

3 Accordingly,

4 **IT IS ORDERED** that this action is **dismissed** without leave to amend. The  
5 Clerk shall terminate the action.

6 **IT IS FURTHER ORDERED** that the Application for Leave to Proceed *In*  
7 *Forma Pauperis* (Doc. 2), the *Ex Parte* Motion for Summary Judgment and Motion to  
8 Dismiss Case (Doc. 8), and Motion for Reconsideration (Doc. 9) are **denied** as moot.

9 Dated this 8th day of January, 2025.

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13 Honorable Diane J. Humetewa  
United States District Judge

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